

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

GLORIA JUANITA OCTAVE  
ADMINISTRATRIX of  
the ESTATE OF LUTALO OCTAVE,  
  
Plaintiff,

v.

SHERIFF MICHAEL L. WADE,

And

DEPUTY ELIZABETH LEE,

**Defendants.**

Case No.: 3:16-cv-338 – JAG

### ORDER OF APPROVAL OF WRONGFUL DEATH SETTLEMENT

This matter came before the Court on a Motion of the Plaintiff and Defendants for approval of the compromise settlement pursuant to Virginia Code § 8.01-55 between the Plaintiff, Gloria Juanita Octave, Administratrix of the Estate of Lutalo Octave, deceased, and the Defendants, Sheriff Michael Wade and Deputy Elizabeth Lee.

It appearing to the Court that the Plaintiff, Gloria Juanita Octave, is the duly qualified Administratrix of the Estate of Lutalo Octave, deceased, and that the Plaintiff desires this Court to approve this compromise settlement for the Administratrix of the Estate against the Defendants pertaining to the allegations in the Amended Complaint and arising out of Lutalo Octave's incarceration at the Henrico Jail where he died on September 19, 2015; and the approval of this compromise is in the best interest of the statutory beneficiaries of Lutalo Octave and should be ratified, approved, and confirmed.

It further appears to the Court that upon the appearance of Gloria Juanita Octave, Administratrix of the Estate of Lutalo Octave and counsel for each of the Defendants and notice given to all statutory beneficiaries, that all interested parties and beneficiaries of this proposed settlement have been notified, convened, and/ or assembled, and that the parties and beneficiaries to this settlement have submitted to the jurisdiction of this Court and have expressed their agreement and assent to the terms of the settlement between them; and further requested that all claims be dismissed with prejudice after approval of the settlement.

It appears to the Court that the statutory beneficiaries of Lutalo Octave, deceased, are:

- i. Gloria Octave, mother;
- ii. Frank Octave, father;
- iii. Lemuel Octave, brother;
- iv. Evelyn Octave, sister;
- v. Lowell Octave, brother;
- vi. Leighton Octave, brother.

It further appears to the Court that Defendants have agreed to compromise all claims remaining against them in the Amended Complaint for the payment of \$237,500.00 (Two Hundred Thirty-Seven Thousand and Five Hundred dollars) (the "Payment") in full settlement of all claims.

It further appears to the Court that pursuant to the compromise settlement reached between Plaintiff and Defendants, without admission of liability, Defendants have agreed to pay the Payment in settlement of any and all claims which the Administratrix of the Estate of Lutalo, deceased, or any person, firm or corporation may now have or which may hereinafter accrue.

It appears to the Court upon consideration of the Motion filed and argument of counsel that the Motion should be granted and the proposed settlement approved.

Accordingly, IT IS HEREBY ORDERED THAT the proposed compromised settlement of the claims against Defendants related to the death of Lutalo as described in the Amended Complaint and set forth in the Motion is hereby approved, ratified, and effective in the amount of \$237,500.00 to the Plaintiff as full and final settlement of all claims against Defendants, known or unknown, arising out of or concerning the allegations against her in the Amended Complaint; and,

IT IS ORDERED THAT fees of \$90,000.00 and advanced litigation costs of \$22,208.02 are approved and shall be disbursed to Commonwealth Law Group from the settlement proceeds.

IT IS FURTHER ORDERED THAT the remaining settlement proceeds shall be distributed equally among the beneficiaries as follows:

<u>PAYABLE TO</u>	<u>AMOUNT</u>
i. Gloria Octave, mother;	<del>20,881.99</del> 20,881.99
ii. Frank Octave, father;	\$20,881.99
iii. Lemuel Octave, brother;	\$20,881.99
iv. Evelyn Octave, sister;	\$20,881.99
v. Lowell Octave, brother;	\$20,881.99
vi. Leighton Octave, brother.	\$20,881.99



IT IS FURTHER ORDERED that Defendants are hereby released and forever discharged from all claims, known or unknown, which have been made, may be made, arise out of, or relate to the allegations in the Amended Complaint.

ENTER: 7,31,17

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LUTALO OCTAVE

/s/ \_\_\_\_\_  
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SEEN AND AGREED:

\_\_\_\_\_  
Gloria Juanita Octave, Administratrix of the Estate of Lutalo Octave, Deceased